

BEFORE THE
FEDERAL ELECTION COMMISSION

Clement Tsao

Cincinnati, Ohio 45223

Complainant,

v.

Rep. Steve Chabot
2300 Montana Ave, Ste 306
Cincinnati, Ohio 452111

Chabot for Congress and James Schwartz, Sr., Treasurer
3030 Harrison Ave
Cincinnati, Ohio 452111
Respondents.

MUR # 7485

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OFFICE OF
GENERAL COUNSEL

COMPLAINT

This complaint is filed under 52 U.S.C. § 30109(a)(1) against Rep. Steve Chabot, Steve Chabot for Congress, and James Schwartz, Sr., in his official capacity as Treasurer (collectively "Respondents") for violating the Federal Election Campaign Act of 1971, as amended (the "Act") and Federal Election Commission (the "FEC" or "Commission") regulations, as described below. Respondents have failed to comply with the Commission's disclaimer requirements for at least one television advertisement that they have approved and sponsored. As a result, the FEC should immediately investigate and levy appropriate sanctions against Respondents for their failure to comply with the simple requirements of the Act and Commission regulations.

FACTS

Representative Chabot is a candidate for re-election to Congress in the first district of Ohio.¹ He has served as a Member of Congress since 2011, and also served previously between 1995-2008.² His principal campaign committee is Steve Chabot for Congress (the "Committee").³ The treasurer of the Committee is James Schwartz, Sr.⁴ The Committee has paid for a television advertisement in support of Rep. Chabot's reelection to Congress that appears to be titled "Day One."⁵ Although the advertisement includes an audio disclaimer spoken by Rep. Chabot that he has approved the communication and a written disclaimer at the end that Chabot for Congress has paid for the communication, the advertisement fails to include a written statement stating that Rep. Chabot has approved the communication.

LEGAL DISCUSSION

Under the Act, whenever a political committee makes a disbursement for the purpose of financing any television advertisement or public communication, there are several disclaimers required.⁶ If the communication is paid for and authorized by a candidate, an authorized committee of a candidate, or agent of either, the communication must contain a disclaimer that clearly states that the communication has been paid for by the authorized political committee.⁷ Such a disclaimer must be presented in a clear and conspicuous manner to give the reader or

¹ Steve Chabot, FEC Form 2, Statement of Candidacy, (Apr. 12, 2017) *available at* <http://docquery.fec.gov/pdf/746/201704129052082746/201704129052082746.pdf>.

² Rep. Steve Chabot, Govtrack, https://www.govtrack.us/congress/members/steve_chabot/400071 (last visited Aug. 10, 2018).

³ Steve Chabot, FEC Form 2, Statement of Candidacy, (Apr. 12, 2017) *available at* <http://docquery.fec.gov/pdf/746/201704129052082746/201704129052082746.pdf>.

⁴ Steve Chabot for Congress, FEC: About this committee, *available at* <https://www.fec.gov/data/committee/C00301838/?cycle=2018&tab=about-committee>.

⁵ "Day One," *available at* <https://www.youtube.com/watch?v=7UP-N4MnvNk>.

⁶ 52 U.S.C. § 30120(a); 11 C.F.R. § 110.11(a); *see id.* § 100.26 (defining public communication).

⁷ 52 U.S.C. § 30120(a)(1); 11 C.F.R. § 110.11(b)(1).

observer adequate notice of the identity of the person or political committee that paid for the advertisement.⁸

There are additional disclaimers required for television advertisements. Specifically, a television advertisement that is authorized or paid for by a candidate or the authorized committee of a candidate "must include a statement that identifies the candidate and states that he or she has approved the communication."⁹ The candidate must convey this audio statement either (1) through an unobscured, full screen view of the candidate making the statement or (2) through a voice-over by the candidate accompanied by a clearly identifiable photograph or similar image of the candidate.¹⁰ *Notably, the communication must also include a written statement that identifies the candidate and indicates that he approves the communication.*¹¹

At least one of Rep. Chabot's television advertisements does not comply with the Commission's requirements, as it lacks the full required written disclaimer. Although the advertisement "Day One" contains a written disclaimer that Chabot for Congress paid for the communication and an audio voice-over from Rep. Chabot that he approved the communication, the disclaimer is incomplete. It fails to include written text that Rep. Chabot has approved the communication.

The disclaimer rules are designed precisely to ensure the American people are aware of who is sponsoring political advertisements. As an incumbent candidate who has served in Congress for 20 years,¹² Rep. Chabot is well-aware of the importance of these disclaimers and should be well-versed in how to comply with them. Yet he has failed to ensure that his

⁸ 11 C.F.R. § 110.11(c)(1), (3).

⁹ *Id.* § 110.11(c)(3)(ii).

¹⁰ *Id.* § 110.11(c)(3)(ii)(A), (B).

¹¹ *Id.* § 110.11(c)(3)(iii).

¹² See Congressman Chabot, About Steve, <https://chabot.house.gov/about-steve/default.aspx> ("Congressman Steve Chabot has proudly served Ohio's First Congressional District for 20 years") (last accessed Aug. 10, 2018).

advertisement conforms to these simple obligations. Respondents have failed altogether to include a written statement at the end of at least one television advertisement that Rep. Chabot has approved the communication.

Disclaimers that omit a written statement that the candidate has approved the communication do not comply with the law. The Act does not permit Respondents to select with which disclaimer requirements they will comply when sponsoring their television advertisements. Thus, by failing to provide the full written disclaimer in at least one television advertisement, Respondents have violated the law.

REQUESTED ACTION

As shown above, Respondents have violated the Act and Commission regulations by failing to comply with the full written disclaimer requirements. As such, Complainant respectfully requests that the Commission immediately investigate this violation and that Respondents be enjoined from further violations and be fined the maximum amount permitted by law.

Sincerely,



Clement Tsao

SUBSCRIBED AND SWORN to before me this 16th day of August, 2018.



Notary Public

My Commission Expires:

09-11-2021



TRICIA E. ROTH
Notary Public, State of Ohio
My Commission Expires 09-11-2021